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3			
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8	BEFORE THE		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFO	RNIA	
11	and the fraction of the Statement of 188408	o. 2012-293	
12	Against:		
13		EMENT OF ISSUES	
14	Oroville, CA 95966	/	
15	Respondent.		
16		•	
17	Complainant alleges:		
18	<u>PARTIES</u>		
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely		
20	in her official capacity as the Executive Officer of the Bo	in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),	
21	Department of Consumer Affairs.		
22	Application for Licensure by Examination		
23	2. On or about September 9, 2010, the Board received an Application for Licensure by		
24	Examination from Jessica Dawn Legg ("Respondent"). On or about September 8, 2010, Jessica		
25	Dawn Legg certified under penalty of perjury to the truthfulness of all statements, answers, and		
26	representations in the application. The Board denied the application on May 11, 2011.		
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STATUTORY PROVISIONS

- 3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under Code section 480.
 - 4. Section 480 of the Code states, in pertinent part:
 - (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
 - (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
 - (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Conviction)

- 6. Respondent's application is subject to denial pursuant to Code sections 2736, 2761, subdivision (f), and 480, subdivision (a)(1), in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a registered nurse:
- a. On or about June 12, 2009, in the Superior Court, County of San Diego,
 California, in the matter entitled *People vs. Jessica D. Legg*, 2009, Case No. C290392,
 Respondent was convicted following her plea of guilty to a violation of Vehicle Code section
 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor. The

1	circumstances of the crime are that on May 1, 2009, Respondent was arrested for driving under		
2	the influence of alcohol. Respondent's blood alcohol level measured .26% and .25%.		
3	SECOND CAUSE FOR DENIAL OF APPLICATION		
4	(Acts Which if Done by a Licentiate Constitute Grounds		
5	for Suspension or Revocation of a License)		
6	7. Respondent's application is subject to denial pursuant to Code sections 2736 and		
7	480, subdivision (a)(3)(A), in that Respondent has committed acts which if done by a licentiate		
8	would be grounds for suspension or revocation of a license under Code sections 2761,		
9	subdivisions (a) and (f), and 2762, subdivisions (b) and (c), as more particularly set forth in		
ιο	paragraph 6, above.		
l 1	PRAYER		
12	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
۱3	and that following the hearing, the Board of Registered Nursing issue a decision:		
4	1. Denying the application of Jessica Dawn Legg for a Registered Nurse License; and,		
15	2. Taking such other and further action as deemed necessary and proper.		
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17			
18	DATED: November 8,2011 Junie R. Bailey		
LOUISE R. BAILEY, M.ED., RN	LOUISE R. BAILEY, M.ED., RN		
20	Executive Officer Board of Registered Nursing		
21	Department of Consumer Affairs State of California		
22	Complainant		
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